

PRIVACY POLICY

Master Builders Association of Victoria

1. Purpose

Master Builders Association of Victoria has developed this policy in accordance with Clauses 3.4, 3.5, 6.1-6.6, 8.1, 8.2 of the Standards for Registered Training Organisations 2015. This policy describes the practices by which Master Builders Association of Victoria RTO (hereinafter called “Master Builders”) ensures compliance with the relevant privacy legislation to protect the personal information and right to privacy in its dealings with persons and organisations.

2. Scope

This policy applies to all students and also persons employed by or contracted to Master Builders.

3. Definitions

Australian Privacy Principles (APP) are a set of principles that promotes an understanding of the Privacy Act 1988 for the avoidance of acts or practices that may interfere with the privacy of individuals.

4. Policy Statement

Master Builders ensures that it respects the privacy of staff, prospective staff, students, prospective students and employers by implementing the Australian Privacy Principles.

Master Builders ensures that it complies with the requirements of and pays all fees and bears all costs connected with all applicable laws and regulations, including without limitation all privacy, anti-discrimination and equal opportunity legislation, the *Disability Act 2006* and the *Working with Children Act 2005*.

5. Policy Principles

The Privacy Act 1988 legislates the manner in which private sector organisations should collect, use, keep secure and disclose personal information. The principles give individuals a right to know what information an organisation holds about them and a right to correct that information if it is wrong.

Master Builders ensures it operates consistently with the 13 Australian Privacy Principles (APP) and collects personal information that is necessary for the conduct of its business. Master Builders ensures that it uses that information in the manner for which it was intended.

Master Builders includes a standard privacy notice in all enrolment forms, in accordance with the Victorian VET Student Statistical Collection Guidelines and National VET Data policy which advises students how their data may be supplied to and used by the Department of Education and Training and Commonwealth agencies.

5.1 Purpose of collecting information

The purposes for which Master Builders collects personal information of students includes satisfying legal obligations, administration, to keep employers informed of the student's progress in the course of study, allow Master Builders to discharge its registration obligations.

The purposes for which Master Builders collects personal information of job applicants, staff members and contractors include satisfying legal obligations, insurance purposes, administering the individual's contract of employment.

5.2 Information collected

Master Builders collects personal information solely for the purpose of operating as a Registered Training Organisation under the VET Quality Framework administered by the Australian Skills Quality Authority who is the National VET Regulator (NVR). The requirements of the NVR may mean the release of students or staff member's personal information for the purposes of an audit.

The type of information Master Builders collects and holds includes (but is not limited to) personal information, including sensitive information, about: students and parents and/or guardians before, during and after the course of a student's enrolment, job applicants, staff members and contractors; and other people that come into contact with Master Builders. Student's personal details are never sold or distributed to any third party other than for regulatory purposes. The information collected may be used by a third party contracted to communicate on behalf of Master Builders purposes and/or to perform the services as instructed by Master Builders.

The information media may take the form of interviews, feedback surveys, email correspondence, telephone calls, third party information, and application forms. Data is uploaded and retained in Master Builders Student Management System (SMS) for students and the TechOne system for staff.

5.3 Access to information

Under the Australian Privacy Principles, the student or staff member is able to access his/her personal information and may correct inaccurate or outdated information about them.

Staff and students are able to access all information retained by Master Builders. Master Builders securely stores and uses the information appropriately and limits access to only those who have a legal reason to have access to that information, or to whom the student has given written permission (*refer to 5.5.3 Disclosure with Student Authorisation*).

Students who request access to their information are given full access to the details required, at nil cost to the student unless the student has requested an extra issuance of their Testamur, Statement of Attainment or Record of Result.

For students to access their own personal records, the student must contact Master Builders and provide identification (such as licence, birth certificate or passport).

5.4 Australian Privacy Principles

Master Builders abides by the Australian Privacy Principles and does not provide students or other staff member's information to anyone in any way that may be considered as breaching the Privacy Principles. For full details of the APP visit the Office of the Australian Information Commissioner website

<http://www.oaic.gov.au/privacy/privacy-act/australian-privacy-principles>

Master Builders will disclose student records and student record information in the specific, exceptional circumstances described below.

5.5 Exceptions to Prohibition on Disclosure of Student Records or Student Record Information

Disclosure to meet Legal Obligations

Information may be released by the Executive Manager – Master Builders Training Institute (MBTI), where appropriate, on advice of the Legal Department to the extent permitted or required by law.

While there may be some variation in the laws of particular jurisdictions and the release of information they require or authorise, examples of release to meet legal obligations may include release:

- a) ASQA: Australian Skills Quality Authority;
- b) NCVER: National Centre for Vocational Education Research;
- c) in response to a subpoena or search warrant;
- d) to cooperate with authorities undertaking an investigation of breach of the law including the criminal law;
- e) in response to a request from an ombudsman or a request under freedom of information legislation;
- f) to an external person or body authorised to act on behalf of the Master Builders;
- g) to a government department or agency pursuant to legislation relating to the funding of Master Builders programs;
- h) to relevant bodies administering social service benefits or immigration permits;
- i) to professional registration bodies to establish the entitlement of graduates to practice; and
- j) to the extent required by any other present or future laws in the jurisdiction.

Disclosure in Emergencies

Student record information may be released in the event of an accident or an emergency or where Master Builders believes the use or disclosure of the information is necessary to respond to, lessen or prevent a serious and imminent threat to a student's life, health, safety or welfare or a serious threat to the health, safety or welfare of the public.

Student record information may also be released where the student becomes incompetent to manage his/her affairs, on the authority of a power of attorney, or of a parent or guardian in the case of a minor, or of a legal guardian. In such circumstances personal information may be released to the police, medical or hospital personnel, civil emergency services, the student's legal representative or nominated emergency contact person or such other person where Master Builders reasonably believes this would address the identified threat.

It is essential to establish the credentials of any person to whom information is to be released, and to obtain authority to release the information from the Executive Manager – MBTI (or a delegate) unless to do so would cause unreasonable delay in the circumstances.

Disclosure with Student Authorisation

Master Builders will not release the Student's information without their consent or permission. If a third party (for e.g. employer/s, partner, parent etc.) requested for information on the Student's training records (including a

copy of the Student’s Testamur, Statement of Attainment and/or Record of Results), they must have proof of the Student’s consent and must provide a **“Release of Information to a Third Party Form”** that is completed by the Student and is available on <http://www.mbavtraining.com.au/forms/>.

For staff members, Master Builders is required to ask for the staff members permission in writing with reference to release of information; this is included in the staff employment agreement, which must be signed prior to employment.

5.6 Complaints

In the event that an individual has a complaint or concern regarding the handling of their personal information, they can contact the Executive Manager – MBTI on 03 9411 4555. The Executive Manager – MBTI shall document any complaints received and follow the processes as outlined in the Complaints, Concerns and Appeals Policy.

5.7 Privacy Delegate Register

Master Builders will maintain an Authorised Privacy Delegate Register, listing those staff who have been delegated by the Executive Manager – MBTI or Executive Manager – People & Culture to have access to staff and/or student information. The authority to delegate has been granted to the Executive Manager – MBTI and Executive Manager – People & Culture by the Chief Executive Officer. Refer to the CEO Delegation of Authority Policy. All staff who have been delegated authority will be required to sign the Privacy Delegation of Authority Declaration Form.

6. Person(s) Responsible

- Any staff appearing on the Authorised Privacy Delegate Register
- All Master Builders Membership Department Staff
- Master Builders Reception staff including Regional offices
- Sales and Events sponsorship staff
- I.T staff
- Accounts Payable staff
- Trainers

7. Associated Documents

- Student Records Management Policy and Procedure
- Student Handbook
- Code of Practice
- Privacy Act 1998
- Authorised Privacy Delegate Register
- Complaints, Concerns and Appeals Policy

Policy developed by: Head of Training and Compliance Coordinator

Refer to: Standard 8 – Clause 8.5 and 8.6 Comply with legal requirements, Standards for RTOs 2015

Approved by: Corrie Williams, Head of Training
Viviana Hood, General Manager - Commercial Operations

Policy endorsed by: Radley De Silva, Chief Executive Officer

Version Control	Date Released	Approved by	Amendment	Next Review Date
V1.0	Dec 2013	Viviana Hood, Training Manager		
V2.0	Jul 2014	Julie-Anne Sheppard, Manager - Training Viviana Hood, General Manager - Commercial Services		
V3.0	Nov 2014	Julie-Anne Sheppard, Manager, Training Viviana Hood, General Manager - Commercial Services		
20150216	16 Feb 2015	Corrie Williams, Head of Training Viviana Hood, General Manager - Commercial Services	New policy created to reflect 2015 Standards for RTO's	Sep 2016
V4.0	6 Sep 2016	Corrie Williams, Head of Training Viviana Hood, General Manager - Commercial Operations	Formatting adjusted to reflect standard template for policies. Minor grammatical changes	Sep 2017
V5.0	9 Sep 2016	Corrie Williams, Head of Training Viviana Hood, General Manager - Commercial Operations	Inclusion of 5.5.4 Privacy Delegate Register. Changed "List" to "Register"	Sep 2017
V6.0	6 July 2017	Corrie Williams, Head of Training	Formatting adjusted to reflect the new Master Builders template with the	Dec 2018

		Viviana Hood, General Manager - Commercial Operations	new logo. Reference to policies	
V7.0	22 Feb 2018	Corrie Williams, Head of Training Viviana Hood, General Manager - Commercial Operations	Formatting adjusted to reflect the new Master Builders template with the new logo. Reference to policies	Dec 2018
V8.0	25 July 2019	Corrie Williams, Executive Manager – Master Builders Training Institute (MBTI) Viviana Hood, Chief Operating Officer	Managerial titles updated from: Head of Training to Executive Manager – Master Builders Training Institute (MBTI) General Manager - Commercial Operations to Chief Operating Officer	Jun 2020
V8.1	21 Feb 2020	Corrie Williams, Executive Manager – Master Builders Training Institute (MBTI) Viviana Hood, Chief Operating Officer	Managerial titles updated from: Human Resource Manager to Executive Manager – People & Culture	Jul 2020